



LEGAL ASSISTANCE FOR TRAFFICKING VICTIMS

Helping trafficking victims access legal avenues to justice, restitution, and other compensation for their suffering is a key element of any effective victim protection strategy. It is particularly crucial in addressing the needs of foreign victims who are not familiar with laws, customs, rights, and procedures in the country to which they were trafficked.

The laws and legal process in most countries are not easily accessed or understood by people who do not have legal training. Rescued human trafficking victims may fear possible criminal charges or deportation, retaliation by traffickers if they give information to police, or attacks against family members. At the same time, they need services such as medical care, food, clothing, and safe housing. Access to legal advice and information can help them through the stress and confusion in the weeks and months following their rescue.

Legal assistance helps trafficking victims know their rights, obtain key information, and understand the options that are available to them.

Legal systems vary throughout the world and the needs of trafficking victims must be considered individually. NGOs that assist and shelter trafficking victims should assist victims with the following legal issues:

■ **Legal rights.** Victims should know their legal rights, status, and the legal process in which proceedings will take place. They should know how to access services or

benefits that may be available to them, such as interpretation, medical care, housing, education, etc.

- **Immigration law and immigration proceedings.** Victims trafficked across a border may not have proper documentation and may need assistance in obtaining identity documents. Victims may need immigration relief, if available, after rescue or during an extended stay in the destination country.
- **Criminal law.** Victims should not be punished for unlawful acts committed as a direct result of being trafficked. But they may need legal assistance if they are arrested or detained in the course of rescue. Victims should also have access to legal advice regarding criminal proceedings related to their case and available options regarding giving evidence and testimony. If possible, an attorney should accompany a victim to legal proceedings related to the victim's case.
- **Civil law.** Victims should know of available avenues for restitution or compensation through a civil claim for damages against perpetrators or others responsible.
- **Child victims.** Trafficking victims under 18 should have access to legal representation related to custody, care, and juvenile law.

For more information, please log on to the Web site of the State Department's Office to Monitor and Combat Trafficking in Persons at www.state.gov/g/tip.

